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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,293	10/23/2003	Raul Aguinaga	053990-0042	7113
20572	7590	02/24/2005	EXAMINER	
GODFREY & KAHN S.C. 780 NORTH WATER STREET MILWAUKEE, WI 53202			HAN, JASON	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/692,293	Applicant(s) AGUINAGA, RAUL	
	Examiner Jason M. Han	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☒ Claim(s) 7, 16, 20 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/15/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because Figure 13 does not show the "lens 22 sealed to a reflector 24" [Page 7, Line 1]. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because Figure 9 does not show the "central round opening 85" [Page 10, Lines 17-18]. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures

appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 7 and 16 are objected to because of the following informalities: The recitation, "with the lamp adjuster is actuated", is grammatically incorrect. The examiner has based the rejection below on the best interpretation deemed possible. Appropriate correction is required.

4. Claims 20 and 22 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Applicant recites

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the structural limitations, "where the housing is engaged to the mounting bracket and the control rod is engaged to the lamp", which is found in independent Claim 11.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burton (U.S. Patent 6257747) in view of Miki et al. (U.S. Patent 6641292).

6. With regards to Claim 1, Burton discloses a headlamp adjuster including:

- A housing [Figure 3: (24)];
- An anti-rotation gear [Figure 3: (34)] positioned inside the housing; and
- A control rod [Figure 3: (36)] passing through and engaged with the anti-rotation gear.

Burton does not specifically teach a motor engaged to the housing and control rod.

Miki discloses an axis adjusting apparatus wherein a motor [Figure 1: (110)] integrally has an automatic angle adjusting structure for automatically adjusting the angle of the illumination axis of an automotive headlamp [Abstract].

It would have been obvious to modify the headlamp adjuster of Burton to incorporate the motor of Miki to provide automatic means in adjusting the angle of

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illumination for the headlamp. Burton corroborates, "Right angle style adjusters, such as the ones disclosed in the referenced Burton patents, are often used to allow the adjustment of the headlight from an adjusting position above the installed headlight. In other applications, ~~motorized adjusters~~, straight adjusters, or other types of adjuster are used [Column 1, Lines 49-54; the examiner further cites other references of Burton with respect to similar headlamp adjusters in the *Conclusion* below]." In addition, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the headlamp adjuster of Burton automatic, since it has been held that providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

7. With regards to Claim 2, Burton in view of Miki discloses the claimed invention as cited above. In addition, Burton teaches the control rod having a driver end [Figures 2-3: (40)] and a rotation point [Figures 2 and 6: (58)].

8. With regards to Claim 3, Burton in view of Miki discloses the claimed invention as cited above. In addition, Burton teaches anti-rotation gear being configured to geometrically mate with the rotation point of the control rod such that rotation of the anti-rotation gear causes the control rod to rotate [Column 8, Lines 50-57].

9. With regards to Claim 4, Burton in view of Miki discloses the claimed invention as cited above. In addition, Miki teaches the motor having a magnetic rotor [Figure 1: (11-12)] and a driver unit [Figure 1: (10)].

10. With regards to Claim 5, Burton in view of Miki discloses the claimed invention as cited above. In addition, Miki teaches a control rod [Figure 1: (18)] including a driver end [Figure 1: (18b)] that passes through the magnet, whereby the driver end [Figure 1: (15b, 18b)] and the magnet are threaded [Figure 1: (12a, 15a)].

11. With regards to Claim 6, Burton in view of Miki discloses the claimed invention as cited above. In addition, Miki teaches, "If excessive force is applied by the adjustment gear 34 to the slotted portion 64 of the adjustment shaft 36, the threads 40 around the slotted portion 64 ~~externally~~ as indicated by arrows 59 in FIG. 6 to allow the threaded portion 54 of the adjustment gear 34 to pass over the threads 40 of the adjustment shaft 36 and create the force limiting effect [Column 7, Lines 42-48]."

12. With regards to Claim 7, Burton in view of Miki discloses the claimed invention as cited above. In addition, Burton teaches the anti-rotation gear [Figure 3: (34)] being positioned inside the housing [Figure 3: (24)].

13. With regards to Claim 8, Burton in view of Miki discloses the claimed invention as cited above. In addition, Burton teaches the housing including a driver input locator [Figure 3: (44)].

14. With regard to Claims 9-10, Burton in view of Miki discloses the claimed invention as cited above. In addition, Burton [Column 1, Lines 34-54] and Miki [Figure 1: (19, 112)] teach an adjuster that is engaged to a lamp and mounting bracket (Claim 9) or to a reflector and mounting bracket (Claim 10).

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15. With regards to Claim 12, Burton in view of Miki discloses the claimed invention as cited above. In addition, Burton teaches the control rod having a driver end [Figures 2-3: (40)] and a rotation point [Figures 2 and 6: (58)].

16. With regards to Claim 13, Burton in view of Miki discloses the claimed invention as cited above. In addition, Burton teaches anti-rotation gear being configured to geometrically mate with the rotation point of the control rod such that rotation of the anti-rotation gear causes the control rod to rotate [Column 8, Lines 50-57].

17. With regards to Claim 14, Burton in view of Miki discloses the claimed invention as cited above. In addition, Miki teaches a motor and a driver end that are counter threaded [Figure 1: (12a, 15a, 15b, 18b)].

18. Claims 11 and 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burton (U.S. Patent 6773153) in view of Miki et al. (U.S. Patent 6641292).

19. With regards to Claim 11, Burton teaches a headlamp adjuster including:

- A mounting bracket [Figure 13: (42)];
- A lamp [Figure 13: (38); Column 8, Lines 24-40] pivotally positioned on the mounting bracket; and
- An adjuster [Figure 13: (20)] having a housing [Figure 2: (26)] and a control rod [Figure 2: (24)], whereby the control rod passes through the housing, the housing engages the mounting bracket and the control rod engages the lamp, and where an anti-rotation gear [Figure 2: (30)] positioned inside the housing such that the control passes there through.

Burton does not specifically teach a motor engaged to the housing, wherein the control rod passes through and is engaged by the motor.

Miki discloses an axis adjusting apparatus wherein a motor [Figure 1: (110)] integrally has an automatic angle adjusting structure for automatically adjusting the angle of the illumination axis of an automotive headlamp [Abstract].

It would have been obvious to modify the headlamp adjuster of Burton to incorporate the motor of Miki to provide automatic means in adjusting the angle of illumination for the headlamp, whereby it has also been held that providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

20. With regards to Claim 15, Burton in view of Miki discloses the claimed invention as cited above. In addition, Burton teaches the housing having at least one flex point [Figure 2: (138); Figure 3] positioned therein.

21. With regards to Claim 16, Burton in view of Miki discloses the claimed invention as cited above. In addition, Burton teaches the anti-rotation gear [Figure 3: (30)] positioned within the housing [Figure 3: (26)].

22. With regards to Claim 17, Burton in view of Miki discloses the claimed invention as cited above. In addition, Burton teaches the housing having a driver input locator [Figure 2: (72)].

23. With regard to Claims 18-19, Burton in view of Miki discloses the claimed invention as cited above. In addition, it is an obvious engineering decision to provide a

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power supply connected to the motor, and a control unit to provide the proper orientation of the lamp's illumination (please further note the citations below).

24. With regards to Claim 20, Burton in view of Miki discloses the claimed invention as cited above. In addition, Burton teaches the housing [Figure 13: (26)] engaged to the mounting bracket [Figure 13: (42)] and the control rod [Figure 13: (24)] engaged to the lamp [Figure 13: (38); Column 8, Lines 24-40].

25. With regards to Claim 21, Burton in view of Miki discloses the claimed invention as cited above. In addition, Burton teaches, "As shown in FIG. 13, automotive lamp assemblies 36 used as headlights typically comprise several basic parts: a support frame 42, a headlamp reflector 38, a lens 44, a bulb, and one or more adjusters 20 [Column 8, Lines 24-27]." With respect to engagement of parts, It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the lens engage the reflector and the bulb engage the reflector, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japiske*, 86 USPQ 70. In this case, it is commonly known and obvious that having a lens connected directly to a reflector eliminates additional components. Applicant corroborates in the *Background of the Invention*, "Vehicles such as automobiles typically have several lamps including headlamps and fog lamps. These lamps generally comprise a reflector sealed to a lens with a bulb therein [Page 1, Lines 6-7]."

26. With regards to Claim 22, Burton in view of Miki discloses the claimed invention as cited above. In addition, Burton teaches the housing [Figure 13: (26)] engaged to the

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mounting bracket [Figure 13: (42)] and the control rod [Figure 13: (24)] engaged to the lamp [Figure 13: (38); Column 8, Lines 24-40].

27. Claims 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burton (U.S. Patent 6773153) in view of Miki et al. (U.S. Patent 6641292).

28. With regards to Claim 23, Burton discloses a headlamp adjuster including:

- A housing [Figure 2: (26)] with a driver input shaft [Figure 2: (72)];
- An anti-rotation gear [Figure 2: (30)] positioned inside the housing having at least one flex point [Figure 2: (138)];
- A control rod [Figure 2: (24)] that passes through the anti-rotation gear, wherein the rod has a driver end [Figure 2: (120)] and a rotation point [Figure 2: (120)]; and
- Whereby the anti-rotation gear [Figure 2: 146)] is configured to geometrically mate with the rotation point of the control rod such that rotation of the anti-rotation gear causes the control rod to rotate.

Burton does not specifically teach a motor engaged to the housing, wherein the motor has a driver unit with a magnetic rotor positioned therein, nor the control rod passing through the magnet via threaded engagement. The examiner makes note that it would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the flex point on the housing instead of the gear (or perhaps on both), since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japiske*, 86 USPQ 70.

Miki discloses an axis adjusting apparatus wherein a motor [Figure 1: (110)] integrally has an automatic angle adjusting structure for automatically adjusting the angle of the illumination axis of an automotive headlamp [Abstract]. In addition, Miki teaches the motor having a driver unit [Figure 1: (10)] with a magnetic rotor [Figure 1: (11-12)] positioned therein, and a control rod [Figure 1: (18)] including a driver end [Figure 1: (18b)] that passes through the magnet, whereby the driver end [Figure 1: (15b, 18b)] and the magnet are threaded [Figure 1: (12a, 15a)].

It would have been obvious to modify the headlamp adjuster of Burton to incorporate the motor of Miki to provide automatic means in adjusting the angle of illumination for the headlamp, whereby it has also been held that providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

29. With regards to Claim 24, Burton in view of Miki discloses the claimed invention as cited above. In addition, Burton teaches a driver [Figure 2: (22)] inserted into the driver input locator.

30. With regards to Claim 25, Burton in view of Miki discloses the claimed invention as cited above. In addition, Miki teaches a motor [Figure 1: (11, 12)] in threaded engagement to a control rod [Figure 1: (18)].

31. With regard to Claims 26-27, Burton in view of Miki discloses the claimed invention as cited above. In addition, it is an obvious engineering decision to provide a power supply connected to the motor, and a control unit to provide the proper orientation of the lamp's illumination (please further note the citations below).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art pertinent to the current application, but are not considered exhaustive:

US Patent 4524407 to Igura;	US Patent 4916587 to Hirose;
US Patent 5181429 to Sieber;	US Patent 5251114 to Cantin;
US Patent 5394318 to Komachi;	US Patent 5673991 to Eickhoff et al;
US Patent 5707133 to Burton;	US Patent 5906431 to Chianale;
US Patent 5911502 to Zillgitt et al (re: Claims 18-19 and 26-27);	
US Patent 6012829 to Natchoo;	US Patent 6238071 to Fratty;
US Patent 6286985 to Ohshio et al;	US Patent 6345905 to Kibayashi et al;
US Patent 6428196 to Deguchi et al;	US Patent 6568837 to Denley;
US Patent 6623147 to Hayami.	


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMH (2/16/2005)



JOHN ANTHONY WARD
PRIMARY EXAMINER